

**Hearing Date: November 5, 2021**

**Time: 10:00 a.m.**

**Location: Zoom Hearing**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	CHAPTER 11
	:	
LEWISBERY PARTNERS, LLC,	:	BANKR.NO. 21-10327-elf
	:	
Debtor.	:	

**UNITED STATES TRUSTEE'S MOTION  
TO DISMISS OR CONVERT TO CHAPTER 7**

The United States trustee for Region 3 (the "U. S. trustee"), in furtherance of the administrative responsibilities imposed under 28 U.S.C. Section 586(a), moves through his undersigned counsel pursuant to 11 U.S.C. § 1112(b), for the entry of an order compelling the filing of monthly operating reports or alternatively, dismissing this case or converting the case to chapter 7. In support of his motion, the U. S. trustee represents as follows:

1. Lewisberry Partners, LLC (the "Debtor") commenced this case by filing a voluntary petition under chapter 11 of the U. S. Bankruptcy Code on February 9, 2021.

2. The Debtor has failed to remain current with the filing of its monthly operating reports as required under 11 U.S.C. § 704(8), 11 U.S.C. § 1106(a)(1), 11 U.S.C. § 1107(a), Fed. R. Bankr. P. 2015(a)(3), the U. S. trustee Operating Guidelines and LBR 2015-1. To date, the reports for the months of June through August 2021 are past due, and the report for the month of September 2021 is due prior to the date of the hearing on this motion.

3. The Debtor has also failed to remain current with its post-petition financial obligations including, but not necessarily limited to the payment of statutory fees required under 28 U.S.C. § 1930(a)(6) and payments on its secured debt. Absent the filing of the operating reports referenced above, the amount of the unpaid statutory fees cannot be determined.

4. The Debtor has yet to obtain approval of a disclosure statement, and its proposed plan, as amended to date, appears to be unconfirmable.

5. The U. S. trustee avers that the failure to comply with the provisions of the Bankruptcy Code, the Federal and Local Bankruptcy Rules, and the U. S. trustee Guidelines, and the possible inability to obtain approval of a disclosure statement and/or confirmation of a plan constitute grounds for the dismissal or conversion of this case to chapter 7 pursuant to 11 U.S.C. § 1112(b). *See e.g., In re Wilkins Inv. Group, Inc.*, 171 B.R. 194, 196 (Bankr. M.D. Pa. 1994) (“The failure to file operating reports constitutes cause for dismissal.”) (citations omitted).

For the reasons set forth above, among others, the U. S. trustee respectfully requests that the Court conduct a hearing on the above issues and enter an order dismissing this case or converting it to chapter 7. The U. S. trustee specifically reserves the right to supplement his motion at or prior to the hearing thereon.

Dated: September 29, 2021.

ANDREW R. VARA  
United States trustee, Regions 3 and 9

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